REMARKS

In the Office Action mailed March 24, 2006, the Examiner rejected claims 6-12 under 35 U.S.C. § 101 as being directed to non-statutory subject matter; and rejected claims 1-8 and 12-16 under 35 U.S.C. § 102(e) as being anticipated by Haworth et al. (Pub. No. 2002/0123946). In view of the remarks that follow, Applicant respectfully traverses the Examiner's rejections of the claims under 35 U.S.C. §§ 101 and 102.

Rejections Under 35 U.S.C. § 101

The Examiner rejected claims 6-12 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Specifically, the Examiner alleged that these claims are non-functional descriptive limitations and are not patentable "because they can not exhibit any functional interrelationship with the way the computing process in the invention is performed [see MPEP 2106 IV B 1(b)]." Applicant traverses this allegation.

M.P.E.P. 2106 IV B 1(b), which is the section of the M.P.E.P. relied on by the Examiner, reads:

> The presence of the claimed nonfunctional descriptive material is not necessarily determinative of nonstatutory subject matter. For example, a computer that recognizes a particular grouping of musical notes read from memory and upon recognizing that particular sequence, causes another defined series of notes to be played, defines a functional interrelationship among that data and the computing processes performed when utilizing that data, and as such is statutory because it implements a statutory process.

Assuming, *arguendo*, that the various types of customer selection information described in claims 6-12 are nonfunctional descriptive material, the Examiner is incorrect in asserting that the information does not create a functional interrelationship. For example, claim 6 specifies that "the customer selection information comprises a preferred payment due date." The preferred payment due date is used by a computer

process to customize "a debt recovery product corresponding to one of the set of debt recovery offers," as recited in claim 1. In other words, the computer process associates different parameters with the debt recovery product based on the received preferred payment due date. Thus, a functional interrelationship exists between the preferred payment due date and the computer process. For similar reasons, claims 7-12 also have functional interrelationships with a computer process. Therefore, Applicant requests the Examiner to withdraw the rejection of claims 6-12 under 35 U.S.C. §101.

Rejections Under 35 U.S.C. § 102

The Examiner rejected claims 1-8 and 12-16 under 35 U.S.C. § 102(e) as being anticipated by Haworth et al. In order to properly anticipate Applicant's claimed invention under 35 U.S.C. § 102, each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in...the claim." See M.P.E.P. § 2131 (8th Ed., Rev. 3, Aug. 2005), quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989). Finally, "[t]he elements must be arranged as required by the claim." M.P.E.P. § 2131 (8th ed., Rev. 3, Aug. 2005), p. 2100-76.

Independent claims 1, 14, 15, and 16

Claim 1 recites "[a] method for offering debt recovery products to customers having delinquent accounts, comprising: retrieving delinquent account information corresponding to a customer; determining a set of debt recovery offers for the customer based on the delinquent account information; ranking the debt recovery offers of the set of debt recovery offers when there is more than one debt recovery offer in the set;

receiving customer selection information from the customer, the customer selection information customizing a debt recovery product corresponding to one of the set of debt recovery offers; and creating a debt recovery account for the customized debt recovery product."

Applicant respectfully submits that Haworth et al. does not disclose or suggest at least the combination of steps in claim 1. For example, the reference does not disclose or suggest "ranking the debt recovery offers of the set of debt recovery offers when there is more than one debt recovery offer in the set," as recited in claim 1.

Haworth et al. discloses a method for collecting payments from customers having delinquent accounts (abstract). A debt recovery service extends an offer for a debt recovery product to a customer with a delinquent account (abstract). If the offer is accepted, the debt recovery service receives an acceptance to the offer from the customer and pays a commission for the delinquent account to the partner (abstract). Customers agreeing to an offer for a debt recovery credit card, for example, receive a credit card with a particular credit limit, balance, and open to buy amount (paragraph [0027]).

However, neither the above cited portions of Haworth et al. nor any other portions provide for "ranking the debt recovery offers of the set of debt recovery offers when there is more than one debt recovery offer in the set," as recited in claim 1. Haworth et al. makes no mention of any kind of ranking of debt recovery offers. Instead, Haworth et al. merely extends unranked offers to customers. Accordingly, Haworth et al. does not disclose, teach, or suggest "ranking the debt recovery offers of

the set of debt recovery offers when there is more than one debt recovery offer in the set," as recited in claim 1.

Because Haworth et al. fails to teach or suggest each of the features of claim 1, Applicant submits that Haworth et al. does not anticipate claim 1. Since independent claims 14, 15, and 16 recite language similar to that which distinguishes claim 1 from Haworth et al., Applicant further submits that claims 14, 15, and 16 are not anticipated by Haworth et al. for at least the reasons given with respect to claim 1.

Dependent claims

The dependent claims 2-13 are allowable not only for the reasons stated above with regard to their respective allowable base claims, but also for their own additional features that distinguish them from Haworth et al.

Based on the above remarks, Applicant requests that the Examiner withdraw the rejection of claims 1-8 and 12-16 under 35 U.S.C. §102

CONCLUSION

Since each of the claims is allowable, Applicant respectfully requests the timely allowance of this application.

If an extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this Amendment, such extension is requested. If there are any other fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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By: _____

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